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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

10 In re:	Case No. 2:14-cv-01250-RFB Case No. 2:14-cv-01163-RFB
11 DANIEL TARKANIAN and 12 AMY TARKANIAN, 13 Debtors.	Case No.: BK-S-13-20495-MKN Chapter 7
14 DANIEL TARKANIAN and 15 AMY TARKANIAN, 16 Appellants, 17 v. 18 FEDERAL DEPOSIT INSURANCE 19 CORPORATION, as Receiver for La Jolla Bank, FSB, 20 Appellee.	BK Appeal Reference No. 14-40
21 FEDERAL DEPOSIT INSURANCE 22 CORPORATION, as Receiver for 23 La Jolla Bank, FSB, 24 Cross-Appellant, 25 v. 26 DANIEL TARKANIAN and 27 AMY TARKANIAN, 28 Cross-Appellees.	<b>STIPULATION AND ORDER FOR DISMISSAL OF APPEALS WITH PREJUDICE</b>

Appellants/Cross-Appellees, Daniel Tarkanian and Amy Tarkanian (collectively, the “Debtors” or “Appellants”), by and through their counsel, the law firm of Larson & Zirzow, LLC, and Appellee/Cross-Appellants, the Federal Deposit Insurance Corporation, as Receiver for La Jolla FSB (the “FDIC-R” and together with the Debtors, the “Parties”), by and through its counsel, the law firms of Nossaman, LLP and Sylvester & Polednak, Ltd., hereby respectfully stipulate and agree (the “Stipulation”) as follows:

1. On December 19, 2013, the Debtors filed their voluntary petition for relief under chapter 7 of title 11 of the United States Code in the United States Bankruptcy Court for the District of Nevada (the “Bankruptcy Court”), being Case No. BK-S-13-20495-MKN (the “Chapter 7 Case”). William A. Leonard, Jr. (the “Trustee”) was appointed as the chapter 7 trustee over the Appellants’ Chapter 7 Case. The FDIC-R, who is the Appellants’ largest creditor, prosecuted the matters giving rise to the underlying decisions that form the basis of the above-captioned appeals (collectively, the “Appeals”).

2. This Court has jurisdiction over the Appeals and this Stipulation pursuant to 28  
U.S.C. § 158(a).

3. On February 12, 2015, the Debtors filed with the Bankruptcy Court a *Motion to Approve Settlement Pursuant to Bankruptcy Rule 9019 and to Dismiss All Claims Asserted in the Adversary Proceeding Including All Claims Seeking Denial of Discharge Pursuant to 11 U.S.C. § 727 and Objecting to Discharge Pursuant to 11 U.S.C. § 523* (the “Settlement Motion”) [ECF No. 274].<sup>1</sup> The Settlement Motion sought approval from the Bankruptcy Court pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule(s)”) of a proposed global settlement and compromise agreement between the Parties (the “Settlement Agreement”).<sup>2</sup>

<sup>1</sup> All ECF number references are to the docket numbers in the Debtors' Chapter 7 Case pending before the Bankruptcy Court. To the extent necessary, the Parties respectfully request that this Court take judicial notice of such underlying pleadings filed in the Bankruptcy Court pursuant to Fed. R. Evid. 201.

<sup>2</sup> Unless otherwise indicated, all capitalized terms herein shall have the same meaning as set forth in the Settlement Agreement. Nothing herein is intended or should be construed as altering or amending the Settlement Agreement.

1           4. On March 30, 2015, the Bankruptcy Court entered an *Order Granting Motion to*  
2 *Approve Settlement Pursuant to Bankruptcy Rule 9019 and to Dismiss All Claims Asserted in the*  
3 *Adversary Proceeding Including All Claims Seeking Denial of Discharge Pursuant to 11 U.S.C.*  
4 *§ 727 and Objecting to Discharge Pursuant to 11 U.S.C. § 523* (the “Settlement Order”) [ECF  
5 No. 52], thereby approving the Settlement Agreement in its entirety, and further authorizing and  
6 approving the Parties to effectuate and implement the Settlement Agreement in accordance with  
7 the terms and conditions.

8           5. Among other matters, and subject to the specific terms and conditions therein,  
9 including but not necessarily limited to the receipt of an Initial Payment, the Settlement  
10 Agreement provides that after receipt of the Initial Payment and confirmation of the same in  
11 readily available funds, the Parties would thereafter submit this Stipulation seeking the dismissal  
12 of the Appeals with prejudice. Further, by having made the Initial Payment and authorizing the  
13 submission of this Stipulation to this Court, the Parties further represent and warrant to each  
14 other that the Settlement Order is a “Final Order” within the meaning of the Settlement  
15 Agreement and/or the Parties have otherwise waived that requirement under the Settlement  
16 Agreement, and further that no present, existing defaults exist under the Settlement Agreement  
17 such that it may be implemented in accordance with the terms and conditions therein.

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1 NOW, THEREFORE, based on the foregoing, the Parties hereby respectfully request that  
2 these Appeals be fully and finally DISMISSED WITH PREJUDICE pursuant to Bankruptcy  
3 Rule 8001(c)(2), with each side to bear its own attorneys' fees and costs herein.

4 Dated: April 13, 2015  
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6 By: /s/ Matthew C. Zirzow  
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30 Attorneys for Appellee/Cross-Appellant

32 **IT IS SO ORDERED.**



33 RICHARD F. BOULWARE, II

34 United States District Judge

35 DATED this 21st day of April, 2015.

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